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SIPDIS

DEPARTMENT FOR SCA/FO, SCA/A, S/CR, EUR/RPM  
DEPT PASS USAID for AID/ANE, AID/DCHA/DGNSC FOR AMEND  
AND HARRIMAN  
OSD FOR BREZINSKI  
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CENTCOM FOR CG CFC-A, CG CJTF-76  
TREASURY FOR PARAMESWARAN  
COMMERCE FOR AADLER  
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TAGS: [PGOV](#) [PREL](#) [ECON](#) [AF](#)  
SUBJECT: PRT/BAMYAN: LAND USE TENSIONS SIMMER IN  
BAMYAN

Summary  
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¶1. (SBU) Uncertainty over land titles seems to be the common denominator in recent disputes in Bamyan. The Governor has intervened personally to defuse Tajik and Hazara tussles over farmland. An unresolved ownership dispute continues to hamper government efforts to regulate coal mining in the province. Officials have requested the PRT's assistance to "guard" against Kuchi squatting during the annual migration season. Neither the provincial government nor the judiciary appears equipped to address land ownership disputes. Without some clearer direction from the central government on how to move forward, land disputes will remain a source of volatility and instability in otherwise peaceful Bamyan. End Summary.

Tajiks and Hazaras Tussle  
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¶2. (SBU) Bamyan Tajiks do not appear to be enjoying their minority status. Residents from the Tajik community of Jograikhil (Bamyan center) claim that local officials distributed their hilltop lands to landless Hazaras and returnees. (Comment: Many of the Tajiks' claims to land came from previous Governor Aliyar, who reportedly was happy to issue titles to property for the right fee. End Comment.) Local Tajik leaders warn that continued government support could have consequences similar to last year, when fights between Hazaras and Tajiks led to two Hazara deaths. The local Tajik leaders traveled to Kabul to

complain about their alleged poor treatment to the central government, including to Lower House Speaker Qanooni (reftel).

13. (SBU) Governor Sarabi ordered new Bamyan Mayor Zahir-e-Shahidani to establish a commission to investigate (and defuse) the issue. The commission will be comprised of ten community members including Government officials, local elders, shura members and UNAMA (as observer). The commission intends to survey and verify all new houses that have allegedly been built on Tajik lands in Jerstoghail, Toopchi, Petab Paghman, Jobrakhil, Sang Chaspan, Taibuti, and Zargarani villages. (Comment: The PRT, predominately through US Army Civil Affairs, but also through USAID's funding of the Arzu carpet weaver project, provides support to returnees in Toopchi village. That support received additional impetus from CFC-A Commander LTG Eikenberry's visit to the village on November 11, 2005. End Comment.)

16 Tons, What do you Get . . .  
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14. (SBU) Coal mine ownership is another area generating friction in Bamyan. Two new coal mines have been discovered in Khaja Ganj village in Saighan District of Bamyan province. The local population is already extracting coal from the mines without approval from either the provincial government or the Ministry of Mines and Industry. Even for pre-existing mines, all that is necessary to extract coal is for an

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individual to approach a local Mines Ministry official (the closest office is in Pol-e-Khumri), pay the appropriate bribe/"baksheesh", and take that license to the mine. Licenses are supposedly good to extract 10 tons of coal, but licensees frequently overload their trucks with 16-18 tons, selling the extra coal on the side for additional profit.

15. (SBU) While fully aware of the situation, provincial officials have made few attempts to regulate the coal industry, due to lingering disputes over the mines' ownership. The two most productive coal mines, in Ish Pesta and Talibarfa, lie on either side of the Bamyan-Baghlan border, respectively. Both mines previously were part of Baghlan province. Coal trucks would route through Baghlan to reach their main market in Kabul, giving Baghlan warlords an opportunity to extract tolls or tribute.

16. (SBU) Since Khamard and Saighan Districts became part of Bamyan province, coal trucks from Ish Pesta now travel south (through Bamyan), depriving the Baghlan warlords, particularly Mullah Wali, of their previous revenue source. (Note: Bamyan ANP officers appear to be the principal beneficiaries of the new route as they extract "tolls" at formal and informal checkpoints throughout the province. End Note.) Mullah Wali kidnapped two Bamyan ANP officers in December in retaliation for his loss of revenue, and has threatened to kidnap other Bamyan residents working "his" mine in Ish Pesta.

The Kuchis are Coming! The Kuchis are Coming!  
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17. (SBU) Both District Sub-Governor Engineer Abdul Rahim of Panjab and Mohammad Amir Mahmoodi of Waras have approached the local PRT patrol in the area requesting the PRT's help to prevent the "rogue" Kuchis from "running wild." As Rahim explained, the local Hazara population does not have problems with Kuchis who own land (Note: Many purchased land in the

southern districts a number of years ago and now lease the property. End Note.). However, the Hazaras appear to be unhappy with nomadic Kuchis who arrive, use land that does not belong to them, and then leave. According to Mahmoodi, Kuchis regularly travel through Ghazni Province and Behsoud district in Wardak, but have avoided Bamyan the past few years because of violence against Kuchis. Mahmoodi believes the Kuchi nonetheless plan to travel through southern Bamyan this year, leaving the door open for new violence.

#### Government Ill Equipped to Handle Land Issues

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¶8. (SBU) Lack of a government capacity to address land disputes only exacerbates tensions arising from land disputes. Aide de camp to Governor Sarabi Mr. Amir Fooladi told PRToff "the Governor can convene special commissions and shuras, but they only handle the immediate, surface dispute. We need something more permanent to get to the root of these problems." Fooladi dismissed the judiciary as a possible solution, noting darkly that judges' motives have

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little to do with conflict resolution.

¶9. (SBU) Chief Judge Baba Jan Saighani likewise admitted to PRToff that the judiciary lacks the capacity to address land disputes. Judges in Bamyan have little training in property issues beyond their own general Sharia training (if they even have that). Saighani fumed that the law itself is unclear how and why a particular title to a given piece of property takes precedence over another: "if the law cannot decide, how can we" Saighani asked.

#### Comment

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¶10. (SBU) Bamyan faces few security challenges relative to other provinces, but those which do arise frequently involve land (and, to a lesser extent, ethnicity). Local officials are allowing land disputes to fester, mostly because they lack the tools, training, and/or the will to confront them. Governor Sarabi did not tackle any such dispute until land-related complaints reached Kabul, providing fuel to Sarabi detractors and weakening her own political base. The Governor's position likely will remain weak until she receives Central Government support and direction on where and how to tackle land disputes.

¶11. (SBU) Land titling remains a problem throughout Afghanistan which hinders refugee return and economic development. The issue is extremely complex and claims are often overlapping. Resolution of this issue has to be an Afghan led process, which will require the expenditure of considerable political capital. USAID contractor Emerging Markets Group has been working with municipalities, through Community Development Councils (CDCs), to discuss and resolve property disputes in two districts of Kabul. They will be partnering with the World Bank to hold a nationwide land resolution conference in Kabul in the near future. The CDCs developed by EMG and Afghan municipalities have been useful in resolving some urban land conflicts. Perhaps expanding this concept to the rural environment should be considered in Bamyan.

NEUMANN